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10/040,680

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,680	11/09/2001	Richard C. Chu	POU920000148US1	2926
7590	09/02/2004		EXAMINER	
Andrew J. Wojnicki, Jr. IBM Corporation - M/S P386 2455 South Road Poughkeepsie, NY 12601				PATEL, NIHIL B
		ART UNIT		PAPER NUMBER
		3743		

DATE MAILED: 09/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b>	Application No.	Applicant(s)
	10/040,680	CHU ET AL.
	Examiner	Art Unit
	Nihir Patel	3743

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04.27.2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

a)  The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.

b)  The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1.  A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2.  The proposed amendment(s) will not be entered because:

- they raise new issues that would require further consideration and/or search (see NOTE below);
- they raise the issue of new matter (see Note below);
- they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

3.  Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.

4.  Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5.  The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached sheet.

6.  The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7.  For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: \_\_\_\_\_.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8.  The drawing correction filed on \_\_\_\_\_ is a) approved or b) disapproved by the Examiner.

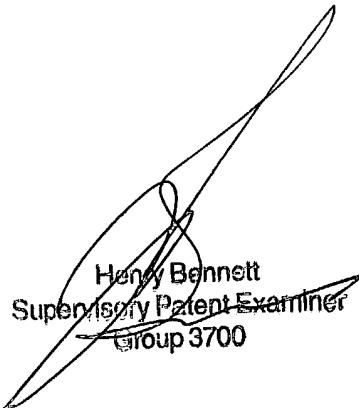
9.  Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.

10.  Other: \_\_\_\_\_.

As stated in the final office action it has been held that a prior art reference must either be in the field of applicant's endeavor or if not then be reasonably pertinent to the particular problem with which the applicant was concerned in this case, Eastman reference is not used to teach or address electronic device orientation but rather to provide plurality of check valves, each of the check valves being disposed within a fluid flow path in proximity to one of the boiling chamber inlet ports, each of the check valves being oriented to allow fluid flow from the tube to the boiling chamber while prohibiting fluid flow from the boiling chamber into the tube.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obvious can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one in the ordinary skill of the art. In this case, each of the check valves being disposed within a fluid flow path in proximity to one of the boiling chamber inlet ports, each of the check valves being oriented to allow fluid flow from the tube to the boiling chamber while prohibiting fluid flow from the boiling chamber into the tube in order to increase the cooling process.

The applicant also argues that Kobayashi teaches against the use of check valves but when the examiner examined the Kobayashi reference, the reference never mentions nor suggests not using check valves. The applicant also argues that Kobayashi teaches against the use of single condenser unit having inlets and outlets located at the device periphery. The examiner disagrees. Referring to figures 1 and 2 it is shown that a single condenser unit having inlets and outlets located at the device periphery.



Henry Bennett  
Supervisory Patent Examiner  
Group 3700